UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,397	04/17/2001	Hark C. Chan	LOCREM-01	7258

23437   7590   12/18/2008

HARK CHAN
6827 ST. ANDREWS DR.
MUKILTEO, WA 98275-4849

EXAMINER
NANO, SARGON N

ART UNIT	PAPER NUMBER
2457	

MAIL DATE	DELIVERY MODE
12/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 October 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) <u>2-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) <u>NONE</u> is/are allowed.

6)☒ Claim(s) <u>2-20</u> is/are rejected.

7)☐ Claim(s) <u>NONE</u> is/are objected to.

8)☐ Claim(s) <u>NONE</u> are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Response to Amendment

1.   This action is responsive to amendment filed on Oct. 6, 2008. Claims 2, 5 and 10

have been amended. Claims 2 – 20 are pending examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 2 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Weiss et al. U.S. Patent No. 4,856,062 (referred to hereafter as Weiss) in view of

Kaplan et al. U. S. Patent No. 6,144,641 (referred to hereafter as Kaplan).

As to claim 2, Weiss teaches a system for communication through a wide area

network, said system comprising:

an apparatus comprising:

a wide area interface adapted to communication with at least one portable unit

via said wide area network: and (see col.8 lines 16 - 34 Weiss discloses a portable

device communicating with a host system).

a wireless local interface adapted to communicate with said at least one portable unit when said at least one portable unit is located within a domain (see col.8, lines 10 – 20, Weiss discloses a portable device located in close proximity to a host).

said at least one portable unit comprising:

a wide area interface for communication with said apparatus via said wide area network; and (see col.8 lines 22 – 34, Weiss discloses a potable device in communication with a host in a network)

a wireless local interface adapted to communicate with said apparatus when said at least one portable unit is located, within said domain (see col.8 lines 22 – 34, Weiss discloses a potable device in communication with a host in a network in a building facility); and

wherein at least one member of said apparatus and said at least one portable unit generates non-deterministic digital contents ,said one member uses its wireless local interface to deliver at least one of said digital contents to another member of said apparatus and said at least one portable unit, said digital content being used by said apparatus and said at least one portable unit as identification in communication via said wide area network. (see col.2 line 45 – col. 8 line 67, Weiss discloses a verification process between a portable device and a remote host where a user inputs a fixed code along with a non predicted code that is generated at a regular interval of time, without user intervention, in order to gain access and establish communication with a host of a network).

Weiss teaches the invention as mentioned above. Weiss does not explicitly teach that the verification process in conducted using wide area network. However, Kaplan teaches a personal digital assistant is connected to a system using multiple interfaces such as LAN, WAN or plain old telephone system (POTS) (see Kaplan col. 3 line 57 - col. 4 line 16).   It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to include the verification process in Weiss's invention using a wide area network interface as disclosed by Kaplan to provide users located at different geographic locations with data connection capabilities to a computer or a host system.

As to claim 3, Weiss teaches the system wherein said one member comprises a random number generator used for generating said digital contents. (see col. 3 lines 10 – 26 and col.4 lines 12 - 22).

As to claim 4, Weiss teaches the wherein said apparatus and said at least one portable unit each comprises a memory for storing said at least one non-deterministic digital content. (see col. 1, line 61 – col. 2 line 21).

As to claim 5, Weiss teaches the system wherein each of said wireless local interfaces comprises a radio frequency interface. (see col. 8 lines 22 – 34).

As to claim 6, Weiss teaches the system wherein said at least one portable unit is a cellular phone (see col. 8 lines 22 – 34).

As to claim 7, Weiss teaches the system wherein said al least one portable unit is a personal digital assist device (see col. 8 lines 22 – 34).

As to claim 8, Weiss teaches the system wherein said at least one digital content comprises an algorithm (see abstract).

As to claim 9, Weiss teaches the system wherein said at least one digital content comprises a digital code (see col.1 lines 13 - 35).

As to claim 10, Weiss teaches the system wherein said wireless local interface of said apparatus and said al least one portable unit performs authentication in delivering said at least one digital content. (see col.2 lines 60 - 63).

As to claim 11, Weiss teaches the system wherein said one member can detect a presence of said another member and delivers said at least one digital content to said another member automatically without user intervention (see col.6 lines 19 – 49, Weiss discloses establishing communication between a portable computer and a host computer).

As to claim 12, Weiss teaches a method for an apparatus and a portable unit to communicate through a wide area network, comprising:

generating digital contents by one of the apparatus and the portable (see col. 8 lines 16 - 34);

while the apparatus and portable unit are within a domain, wirelessly delivering at least one of the digital contents by the one of the apparatus and the portable unit to another of the apparatus and the portable (see col. 8 lines 22 – 34).

; and

using the at least one of the digital contents as identification in communication

between the apparatus and the portable unit via the wide area network(see col.2 line 45

– col. 8 line 67).

As to claim 13, Weiss teaches the method of claim 12 wherein the one of the

apparatus and the portable unit comprises a random number generator for generating

the digital contents (see col. 3 lines 10 – 26 and col.4 lines 12 - 22).

As to claim 14, Weiss teaches the method of claim 12 wherein the delivering is

conducted using radio frequency signals (see col. 1, line 61 – col. 2 line 21).

As to claim 15, Weiss teaches the method of claim 12 wherein the portable unit is

a cellular phone (see col. 8 lines 22 – 34).

As to claim 16, Weiss teaches the method of claim 12 wherein the portable unit is

a personal digital assist device (see col. 8 lines 22 – 34).

As to claim 17, Weiss teaches the method of claim 12 wherein the at least one

digital content comprises an algorithm (see abstract).

As to claim 18, Weiss teaches the method of claim 12 wherein the at least one

digital content comprises a digital code (see col.1 lines 13 - 35).

As to claim 19, Weiss teaches the method of claim 12 wherein the delivering

comprises authenticating at least one of the apparatus and the portable unit (see col.2

lines 60 - 63).

As to claim 20, Weiss teaches the method of claim 12 wherein the one of the apparatus and portable unit can detect a presence of the another of the apparatus and the portable unit and deliver the at least one digital content to the another automatically without user intervention (see col.6 lines 19 – 49).

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

In the remarks applicant argue in substance that Weiss does not teach non – deterministic digital content is passed between the " access control means" and the "host computer" . Moreover Weiss does not teach "access control means " that contains both local and a wide area interface.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., non – deterministic digital content is passed between the " access control means" and the "host computer" . Moreover Weiss does not teach "access control means " that contains both local and a wide area interface.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

4.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to SARGON N. NANO whose telephone number is

(571)272-4007. The examiner can normally be reached on 8 hour.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

/Sargon N Nano/

Examiner, Art Unit 2457

/ARIO ETIENNE/

Supervisory Patent Examiner, Art Unit 2457